

WHITEFISH CITY COUNCIL
November 7, 2022
SPECIAL SESSION AT 5:15 P.M.

1) Call to Order

The meeting was held in-person in the Council Conference Room. Mayor Muhlfeld called the meeting to order. Councilors present were Davis, Qunell, Feury and Councilors Caltabiano. Councilors Sweeney and Norton were absent. Staff present were City Manager Smith, City Clerk Howke and Planning and Building Director Taylor

2) Interview

City Council interviewed incumbent Peggy Brammer for the Whitefish Lake and Lakeshore Protection Committee; incumbent Robin Paone for the Climate Action Plan Standing Committee; and incumbents Toby Scott and Allison Linville for the Planning Board. Alyssa Wilbur was interviewed for the Climate Action Plan Committee

3) Public Comment

None

4) Appointment

Mayor Muhlfeld reappointed Allison Linville and Toby Scott to the Planning Board for another two-year term. The Council ratified his appointment.

Councilor Feury made a motion, seconded by Councilor Caltabiano to extend Don Harring, Whitefish Lake and Lakeshore Protection Committee, for another two-year term. The motion carried.

Councilor Qunell made a motion, seconded by Councilor Caltabiano to reappoint Peggy Brammer to the Whitefish Lake and Lakeshore Protection Committee for another two-year term. The motion carried.

5) Adjourn,

Mayor Muhlfeld adjourned the meeting at 6:50 pm and opened the regular session at 7:10 pm.

/s/John Muhlfeld

Mayor Muhlfeld

Attest:

/s/Michelle Howke

Michelle Howke, Whitefish City Clerk

WHITEFISH CITY COUNCIL

November 7, 2022

7:10 P.M.

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Qunell, Feury, Caltabiano, Davis. Councilors Sweeney and Norton were absent. City Staff present were, City Clerk Howke, City Manager Smith, City Attorney Jacobs, Finance Director Gospodarek, Planning and Building Director Taylor, Public Works Director Workman, Police Chief Kelch, Fire Chief Page, Planner Loring, and Long-Range Planner Tiefenbach. Approximately 12 people were in the audience and 2 attended virtually.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Chris Schustrom to lead the audience in the Pledge of Allegiance.

3) PROCLAMATION

a) Children's Grief Awareness Day, November 17, 2022 (p.40)

Mayor Muhlfeld read the Children's Grieve Awareness Day proclamation that is provided in the packet on the website.

4) COMMUNICATIONS FROM THE PUBLIC— (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments but may respond or follow-up later on the agenda or at another time. The mayor has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda)

Mayre Flowers, Citizens for a Better Flathead, Kalispell, supports the recommendation to include transportation as an Impact Fee. She also addressed the letter that she submitted for discussion that is included in the packet pertaining to the records request process. She encourages the Council to look at ways that staff can serve the walk-in public that wants to look at a file. She thinks Whitefish could do more to improve public access and staff awareness of where that material is located to provide it when requested.

Shane Axhelm, 811 Railway Street, stated concerns the affordable housing proposed for his neighborhood will negatively affect the property values destroy the views that they have from their homes of the Whitefish range and create a traffic nightmare. He doesn't know why it is being considered.

Ryan Dye, 510 W. 4th Street, spoke in support of moving Karrow Avenue to be the next Resort Tax roadway project. He utilizes Karrow Avenue often and it has become a dangerous road. He would like to see it widened with sidewalks to increase pedestrian traffic.

Chris Schustrom, 504 Spokane Avenue, Whitefish Shines, announced the holiday decorations will be hung on Sunday, November 20th. Volunteers are invited and can meet at the corner of 3rd Street and Central Avenue at 8:00 a.m. He thanked Public Works Director Workman, Police Chief Kelch and Parks and Recreation Director Butts for their continued partnership in helping this project to continue as it has.

Nathan Dugan, 937 Kalispell Avenue, Shelter WF President, stated he would love to see the snow lot affordable homes happen. The 2021 study reports homes that are located in a typical block of affordable housing developments saw property values increase on average by 0.9%.

5) COMMUNICATIONS FROM VOLUNTEER BOARDS

None

- 6) **CONSENT AGENDA** (The consent agenda is a means of expediting routine matters that require the Council's action. Debate does not typically occur on consent agenda items. Any member of the Council may remove any item for debate. Such items will typically be debated and acted upon prior to proceeding to the rest of the agenda. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
- a) **Minutes from October 17, 2022 Regular Meeting (p.42)**
 - b) **Consideration of a request from Brian Haseman for a Whitefish Lake and Lakeshore Protection Permit to move the dock to comply with riparian setbacks; remove old wooden stairs and non-earthen materials from the lakeshore; and build new stone paver & rock stairway, located at 2094 Houston Drive (WLP 22-W31) (p.47)**
 - c) **Resolution No. 22-33; A Resolution declaring certain property to be unneeded and obsolete, and authorizing the disposal of such property (p.65)**

Councilor Caltabiano made a motion, seconded by Councilor Davis to approve the Consent Agenda. The motion carried.

- 7) **PUBLIC HEARINGS** (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30-minute time limit for applicant's land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC))
- a) **Consideration of a request from MH Legacy, LLC for a Conditional Use Permit to construct a multifamily/commercial mixed-use building with four (4) dwelling units, located at 220 2nd Street East, zoned WB-3 (General Business District) (WCUP 22-24) (p.68)**

Planner Nelson Loring presented his staff report that is provided in the packet on the website. Staff has not received written public comment.

Mayor Muhlfeld opened the Public Hearing.

Cate Walker, Northwest Design Studios representing the applicant was available to answer questions.

Rhonda Fitzgerald, 412 Lupfer Avenue, stated she doesn't have any objection to this project because it fits within the guidelines provided by the city. She thinks going forward we should recognize that this is a commercial use, not residential. What is being approved is four short-term rentals with a commercial space on the ground floor.

There being no further public comment, Mayor Muhlfeld closed the Public Hearing and turned the matters over to the Council for their consideration.

Councilor Caltabiano made a motion to approve WCUP 22-24 and the Findings of Fact in the staff report and the twelve (12) conditions of approval as recommended and amended by the Whitefish Planning Board on October 20, 2022. The motion carried.

- b) **Ordinance No. 22- ; An Ordinance amending the Whitefish City Code to add Article Y, Chapter 2, Title 11, to establish the WB-T zoning district (Business Transitional District), as an implementation of the Highway 93 South Corridor Plan (First Reading) (p.111)**

Director Taylor presented his staff report that is provided in the packet on the website. Staff received 4 letters as written comment after the packet was published on November 2nd, and one written comment received during this evenings Public Hearing. All comments are appended to the packet on the website.

Council Qunell had concerns of adding more access onto Highway 93 S. and not having the ability to condition permitted uses to have shared access or frontage road. Staff stated it could be as an amendment to the Transportation Plan to show intent to provide shared access or frontage road. Staff will also look into adding it as a condition in the annexation policy. Councilor Davis asked, and Director Taylor stated this area is not an ideal location for high density housing. He feels mixed-use is more appropriate. Generally, you want to put highest density closest to downtown, close to urban areas, where people can walk and bike and are close to schools.

Mayor Muhlfeld asked, and Director Taylor stated a normal setback is 30 feet off of a frontage road, but if it abuts Highway 93 or 40, then it would be a 50-foot landscape buffer in addition to the MDT right-of-way.

Mayor Muhlfeld opened the Public Hearing.

Nathan Dugan, 937 Kalispell Avenue, Shelter WF President, asked the Council to consider tabling this issue. Currently the county zoned land south of the city has a variety of uses. This zoning district is being proposed to pick the uses that you all would prefer to see at the entrance to town. The items listed as permitted or conditional uses in this zoning district represent those uses that would benefit from annexation. With the exception of housing, no uses are being added that cannot currently be built under the current county zoning. We need more homes, and we need to build them more densely. But why here? He would like to see a lot of housing built here, but not for 10 to 20 years when we truly need to. There is opportunity to build homes in town that does not exacerbate our traffic problems and the eventual destruction of our climate. He would like the council to make some decisions that feel difficult in the moment but that better serve the needs of all of us. You all have the power to do things differently and he hopes they start taking advantage of that.

Mayre Flowers, Citizens for a Better Flathead, Kalispell, provided handwritten comments that are appended to the packet on the website. She is asking the Council to table the proposed WB-T zoning district, stating there are little or no new strategies or solutions to guide the proposed WB-T zoning, or for annexation process that will implement this zoning.

Rhonda Fitzgerald, 412 Lupfer Avenue, stated she attended almost all of the Highway 93 South Corridor Plan meetings and public events. It was clear that the public perceives this at the gateway to Whitefish. She doesn't think what is being proposed here is what the public had in mind. What is proposed tonight will look like an over developed America. There are existing single-family neighborhoods in that vicinity where people love where they live. She thinks the best thing she would hope would be for single to multi-family development of homes. The future of this area should be driven by the community's vision.

There being no further public comment, Mayor Muhlfeld closed the Public Hearing and turned matters over to the Council for their consideration.

Councilor Caltabiano made a motion to approve WZTA 22-01, the Findings of Fact in Exhibit B and the language in Exhibit A as recommended by the Whitefish Planning Board on January 20, 2022, and further amended and refined by the City Council and staff. The motion failed for a lack of a second.

Councilor Caltabiano made a motion, seconded by Councilor Qunell to postpone to November 21, 2022, the Public Hearing to remain closed. Councilor Caltabiano stated this is not an expedient move. Staff was directed to work on this a year ago. **The motion carried.**

- c) **Resolution No. 22-34; A Resolution establishing the Employee Parking Permit Program and related fees (p.173)**

City Clerk Howke presented her staff report that is provided in the packet on the website.

Mayor Muhlfeld opened the Public Hearing.

Nathan Dugan, 937 Kalispell Avenue, stated this program is misguided and is a regressive tax on our workers and residents. Downtown workers should be required to have a parking pass to park in dedicated lots, but these passes should be free. The recent housing needs assessment, 3,500 people commute to Whitefish to work every day. Many of these workers who currently are unable to access housing in Whitefish, are already paying a tax to drive here. So, what is the solution? Paid parking frees up parking spots more frequently. What about when it is slow in town. We could use a demand system that only charges for parking when the spots are filled to a critical mass and needs some help to open up. Whitefish ~~want's-wants~~ to be a walking and biking town. We should put some thought into our agency in creating car dependency. Free downtown parking is a big part of that.

There being no further public comment, Mayor Muhlfeld closed the Public Hearing and turned the matters over to the Council for their consideration.

Councilor Qunell made a motion, seconded by Councilor Davis to approve Resolution No. 22-34; A Resolution establishing the Employee Parking Permit Program and related fees. The motion carried.

8) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) **Consideration to authorize to proceed with Surveying and an Engineering RFP for the Riverbend Path Project (p.179)**

Public Works Director Workman presented his staff report that is appended to the packet on the website.

Councilor Qunell made a motion, seconded by Councilor Davis to select Director Workman, Karin Hilding, and Maria Butts to the Rating Panel, and appoint Craig Workman, Karin Hilding, Maria Butts, and Mayor Muhlfeld to the Selection Panel. The motion carried.

- b) **Consideration of approval of Karrow Avenue as the next Resort Tax Roadway Project and authorization to proceed with an Engineering RFP (p.182)**

Public Works Director Workman presented his staff report that is provided in the packet on the website.

Councilor Qunell made a motion, seconded by Councilor Caltabiano to appoint Craig Workman and Karin Hilding to serve on the Rating Panel; and appoint Craig Workman, Karin Hilding and Councilor Qunell to the Selection Panel. The motion carried.

9) COMMUNICATIONS FROM FINANCE DIRECTOR

- a) **Review and consideration of the annual 2022 Impact Fee Report (p.190)**

Finance Director Lanie Gospodarek presented her staff report that is provided on the website.

Councilor Caltabiano made a motion, seconded by Councilor Qunell to adopt FY22 Impact Fee Report. The motion carried.

- b) **Consideration of approval to award the Impact Fee Review and Update and authorize the City Manager to negotiate and execute the contract (p.195)**

Finance Director Lanie Gospodarek presented her staff report that his provided in the packet on the website.

Councilor Caltabiano made a motion, seconded by Councilor Feury to approve Recommendation #1 and Recommendation #2 to award the Impact Fee Review and Update to TischlerBise and authorize the City Manager to negotiate a contract in an amount not to exceed \$70,190 and direct staff to negotiate an amendment to expand the original scope to include a new transportation impact fee. The motion carried.

10) COMMUNICATIONS FROM CITY CLERK

- a) **Ordinance No. 22- ; An Ordinance adding a new Chapter 18, to Title 2, of the Whitefish City Code to establish the Whitefish Sustainable Tourism Management Plan Standing Committee (First Reading) (p.197)**

City Clerk Howke presented her staff report that is provided in the packet on the website.

Councilor Feury made a motion, seconded by Councilor Qunell to adopt Ordinance No. 22-16; An Ordinance adding a new Chapter 18, to Title 2, of the Whitefish City Code to establish the Whitefish Sustainable Tourism Management Plan Standing Committee (First Reading). Councilor Feury spoke as the Councilor representative. From the Committee standpoint, there was general yes, this is something we need to continue doing. This Plan brings a lot of pieces together that we don't look at collectively a lot of times. It brings together a group of people in the community that necessarily wouldn't always sit down together and that is important.

Councilor Caltabiano is concerned that staff recommends Council to discuss the goals and that some of these functions are already performed.

The motion failed on a 3-1 vote, Councilor Caltabiano voting in opposition.

11) COMMUNICATIONS FROM CITY MANAGER

- a) **Written report** enclosed with the packet. Questions from Mayor and Council? (p.203)

None

- b) Other items arising between November 2nd through November 7th

Manager Smith reminded tomorrow is Election Day, the City Hall will be open. The City Hall does not have a ballot box, so ballots will need to be returned to the Election Department or a designated polling places.

12) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) **Letter** from Mayre Flowers, Citizens For a Better Flathead, concerning records request process with the City of Whitefish (p.209)

None

Council Comment

Councilor Caltabiano addressed his reason for voting against Ordinance No. 22-16, to establish the Whitefish Sustainable Tourism Management Plan Standing Committee. He has followed a lot of work of the committees. Lauren Oscilowski was instrumental in a lot of activities that have been proposed and executed and they have done a great job. The Council had a plan to have the committee work within a certain timeframe and the fact that the staff points out there are ways to do this without an additional committee. It is better to simplify and focus on the priorities that are at hand.

Councilor Qunell asked, and Director Workman stated he and Director Butts have come up with a plan with the cleanup of the trees. There is significant damage that has occurred to the city's urban forest. There will be some tree replacement, but at this time staff is working on clean up. Councilor Qunell would like to hold a work session to look into revising the property tax rebate for the Resort Tax for full-time residents versus second or third homeowners.

Councilor Davis would like staff to look into revising the City Code requiring the super majority vote for ordinances and hold a work session to discuss their options.

Mayor Muhlfeld thanked Public Works, Parks and Recreation, Fire Department and Flathead Electric, for chipped into the outages and the trees damages etc. It was a series of unique storms that he has never really seen.

Director Workman clarified the intent of staff's recommendation regarding the Sustainable Tourism Management Plan. Staff wanted to hear some discussion from Council on what the goals of the plan are and whether potentially it warrants the continuation of the committee. He doesn't think it is a tremendous burden on staff and wouldn't have a problem continuing on the committee.

13) ADJOURNMENT

Mayor Muhlfeld adjourned the meeting at 9:16 p.m.

/s/John Muhlfeld

Mayor Muhlfeld

Attest:

/s/Michelle Howke

Michelle Howke, Whitefish City Clerk